

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TROY SANDERS,

Plaintiff,

v.

COUNTY OF KERN, et al.,

Defendants.

Case No. 1:22-cv-01029-CDB

ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR THE PLAINTIFF'S FAILURE TO
PROSECUTE THIS ACTION AND TO
COMPLY WITH THE COURT'S ORDERS;
ORDER CONTINUING THE MANDATORY
SCHEDULING CONFERENCE

(ECF Nos. 4, 5)

Plaintiff initiated this action on August 15, 2022. (ECF No. 1) The Clerk of Court issued a summons the next day (ECF No. 4). The order setting the mandatory scheduling conference reads:

The Court is unable to conduct a scheduling conference until defendants have been served with the summons and complaint. Accordingly, plaintiff(s) shall diligently pursue service of summons and complaint and dismiss those defendants against whom plaintiff(s) will not pursue claims. Plaintiff(s) shall promptly file proofs of service of the summons and complaint so the Court has a record of service. Counsel are referred to F.R.Civ.P., Rule 4 regarding the requirement of timely service of the complaint. Failure to timely serve the summons and complaint may result in the imposition of sanctions, including the dismissal of unserved defendants.

(ECF No. 5 at 1) However, the plaintiff has not filed proofs of service, and the defendants have not appeared in the action.

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1 Therefore, the Court ORDERS:

2 1. **No later than November 10, 2022**, the plaintiff **SHALL** show cause why
3 sanctions should not be imposed for the failure to prosecute this action and to serve the summons
4 and complaint in a timely fashion as ordered. Alternatively, the plaintiff may file a proof of
5 service demonstrating the summons and complaint has been served;

6 2. The scheduling conference is **CONTINUED** to **January 11, 2023** at 9:00 a.m.

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8 Failure to respond may result in the Court recommending dismissal of the action.

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10 IT IS SO ORDERED.

11 Dated: **October 27, 2022**

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UNITED STATES MAGISTRATE JUDGE